

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

WALTER WREN WYATT, III	)
	)
Plaintiff,	)
	)
v.	) CIVIL CASE NO.:1:07-cv-0326-MHT
	)
MORTGAGE ELECTRONICS	)
REGISTRATION SYSTEMS, INC.; R. JAMES	)
NICHOLSON, Secretary of Veterans Affairs,	)
et. al.,	)
	)
Defendants.	)

**MOTION FOR EXTENSION OF TIME**

Comes now, R. James Nicholson, Secretary of Veterans Affairs, by and through Leura Garrett Canary, United States Attorney for the Middle District of Alabama, and respectfully moves the Court for an extension of time, to and including May 14, 2007, within which to file an answer or other response to the complaint. In support of this motion, Defendant would show unto the Court the following:

1. This matter was removed to this Court on or about April 13, 2007. Pursuant to Rule 81(c), Federal Rules of Civil Procedure, the defendant's time to answer or otherwise respond to the complaint has not yet run.<sup>1</sup>

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<sup>1</sup> In fact, the defendant was not properly served in the state court action, nor has he since been properly served in the present action. The record does not reflect that the Attorney General, and the United States Attorney for this district have been served in accordance with Rule 4, Federal Rules of Civil Procedure. Similarly, the record does not reflect that the plaintiff complied with the administrative requirements found at 38 C.F.R. § 36.4319(d) in that he has not "delivered to the loan guaranty officer of the regional office of the VA having jurisdiction of the area in which the court is situated," any process.

2. In support of this motion, counsel shows unto the Court that the litigation report has not been received from the defendant and same is necessary for the compilation of an answer or other response.

3. Attempts to contact counsel for plaintiff to determine his position on this request were unsuccessful.

WHEREFORE, premises considered, the defendant respectfully requests that it be given until May 14, 2007, to answer or otherwise respond to the complaint.

Respectfully submitted this 25<sup>th</sup> day of April, 2007.

LEURA G. CANARY  
United States Attorney

By: /s/ R. Randolph Neeley  
R. RANDOLPH NEELEY  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing upon counsel for Plaintiff, by mailing a copy of same, first class, postage prepaid, addressed as follows:

Charles Bradford Stinson  
515 Glover Avenue  
Enterprise, AL 36330

Dated this the 25<sup>th</sup> day of April, 2007.

/s/ R. Randolph Neeley

Assistant United States Attorney